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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,577	07/10/2003	Hideo Ikari	B422-237	1318
26272 7590 06/05/2007 COWAN LIEBOWITZ & LATMAN P.C. JOHN J TORRENTE 1133 AVE OF THE AMERICAS NEW YORK, NY 10036			EXAMINER SELBY, GEVELL V	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/616,577	IKARI ET AL.	
	Examiner	Art Unit	
	Gevell Selby	2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see the amendment, filed 2/14/07, with respect to the rejection(s) of claim(s) 1, 2, and 9 under 35 U.S.C. 102 and 103 rejections have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kozai, JP 2001-076891.

1. Applicant's arguments filed 2/14/07 have been fully considered but they are not persuasive. The applicant submits the prior art does not disclose the following limitations of the claimed invention:

wherein the first light emitter and the second light emitter are configured as separate emitters, as stated in claims 3, 5, 6, and 7. The Examiner respectfully disagrees.

#### **Examiner's Reply:**

Re claims 3, 5, 6, and 7) The Yasuda reference discloses a first light emitter (see figure 1, element 121) and a second light emitter (see figure 1, element 120), wherein the first light emitter and the second light emitter are configured as separate emitters (see para 90 and figure 2 steps S2, S11, and S12: the two separate light units emit light a different time using different emitters).

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**2. Claims 3-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Yasuda, US 2004/0095504.**

In regard to claim 3, Yasuda, US 2004/0095504, discloses an imaging device capable of shooting motion images and still images, comprising:

a first light emitter (see figure 1, element 121) capable of emitting light continuously during motion-image shooting;

a second light emitter (see figure 1, element 120) capable of emitting light during still-image shooting; and

a control circuit (see figure 1, element 118) which controls the first light emitter and the second light emitter (see para. 89),

wherein when a predetermined still-image shooting mode is selected, the control circuit causes the first light emitter to emit light continuously before causing the second light emitter which operates in synchronization with still-image shooting to emit light (see para. 102, 107 and 108);

wherein the first light emitter and the second light emitter are configured as separate emitters (see para 90 and figure 2 steps S2, S11, and S12: the two separate light units emit light a different time using different emitters).

In regard to claim 4, Yasuda, US 2004/0095504, discloses the imaging device according to claim 3, wherein the control circuit causing the second light emitter to emit

light after causing the first light emitter to stop emitting light continuously (see para. 107 and 108).

In regard to claim 5, Yasuda, US 2004/0095504, discloses an imaging device which can communicate with an illuminating device equipped with a first light emitter capable of emitting light continuously and a second light emitter capable of emitting flashing light and which can control light emissions of the illuminating device by sending signals to the illuminating device (see figure 1), the imaging device comprising:

a control circuit (see figure 1, element 118) which sends flash command signals to the first light emitter and second light emitter (see para 89), wherein when a predetermined motion-image shooting mode is selected, the control circuit sends the illuminating device a signal for causing the first light emitter to emit light continuously (see para. 60), and

when a predetermined still-image shooting mode is selected, the control circuit sends the illuminating device a signal for causing the first light emitter to emit light continuously before sending the illuminating device a signal for causing the second light emitter which operates in synchronization with still-image shooting to emit light (see column 102, 107 and 108).

In regard to claim 6, Yasuda, US 2004/0095504, discloses an illuminating device which can communicate with an imaging device comprising a first trigger member for starting to shoot a still image and a second trigger member for starting to shoot motion images and which emits light based on signals sent from the imaging device, the illuminating device comprising;

a first light emitter capable of emitting light continuously (see figure 1, element 121);

a second light emitter capable of emitting flashing light (see figure 1, element 120); and

a control circuit (see figure 1, element 118) which controls the first light emitter and the second light emitter, wherein the control circuit:

causes the first light emitter to emit light continuously when a first signal is received from the imaging device in response to an operation of the first trigger member (see para. 102), causes the second light emitter to emit light after causing the first light emitter to stop emitting light continuously when a second signal is received in response to an operation of the first trigger member (see para. 107 and 108), and causes the first light emitter to emit light continuously when a signal is received from the imaging device in response to an operation of the second trigger member (see para. 108);

wherein the first light emitter and the second light emitter are configured as separate emitters (see para 90 and figure 2 steps S2, S11, and S12: the two separate light units emit light a different time using different emitters).

In regard to claim 7, Yasuda, US 2004/0095504, discloses an illuminating device which can communicate with an imaging device capable of shooting motion images and still images and which emits light based on signals sent from the imaging device (see para. 60), the illuminating device comprising:

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a first light emitter (see figure 1, elements 121) capable of emitting light continuously during motion-image shooting;

a second light emitter (see figure 1, element 120) capable of emitting flashing light during still-image shooting; and

a control circuit (see figure 1, element 118) which controls the first light emitter and the second light emitter (see para. 89), wherein when a predetermined still-image shooting mode is selected on the imaging device, the control circuit causes the first light emitter to emit light continuously before causing the second light emitter which operates in synchronization with still-image shooting to emit light (see para 102, 107, and 108);

wherein the first light emitter and the second light emitter are configured as separate emitters (see para 90 and figure 2 steps S2, S11, and S12: the two separate light units emit light a different time using different emitters).

In regard to claim 8, Yasuda, US 2004/0095504, discloses an imaging device according to claim 3, wherein the first light emitter has its periphery elevated (see figure 1, element 121).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oochi et al., US 2005/0179779 in view of Kozai, JP 2001-076891.**

In regard to claim 1, Oochi et al., US 2005/0179779, discloses a first trigger (see figure 2, element 19) member for shooting still images, wherein the first shooting mode shoots a still image by causing a first light emitter (see figure 2, element 23) to emit light continuously when a first operation signal from the first trigger member is detected (see figure 4, step s33-36 and para. 34 and 76-78: the first light emitter 23 emits light continuously after a first trigger (19) half-press) and causing the first light emitter to stop emitting light (see figure 4, step 39) and causing a second light emitter (see figure 2, element 21) to emit light when a second operation signal from the first trigger member is detected (see figure 4, steps S40-44: the second light emitter flashes after a first trigger full press) and wherein the first light emitter and the second light emitter are configured as separate emitters (see figure 2, elements 21 and 23).

The Oochi reference does not disclose comprising a mode setting member which allows a plurality of shooting modes to be set; a second trigger member for shooting motion images, wherein the mode setting member allows at least a first shooting mode and a second shooting mode to be set, and the second shooting mode, upon detecting an operation signal from the second trigger member, starts shooting motion images while causing a the first light emitter to keep emitting light continuously.

Kozai, JP 2001-076891, discloses an imaging device, comprising:



a mode setting member (see abstract: control 3) which allows a plurality of shooting modes to be set (see abstract: animated picture mode and static picture mode);

a second trigger member for shooting motion images (see para 27:activation by a person using some camera input),

wherein the mode setting member allows at least a first shooting mode and a second shooting mode to be set (see para 26),

and the second shooting mode, upon detecting an operation signal from the second trigger member, starts shooting motion images while causing a the first light emitter to keep emitting light continuously (see abstract: in an animated picture photograph mode).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Oochi et al., US 2005/0179779, in view of Kozai, JP 2001-076891, to have a mode setting member which allows a plurality of shooting modes to be set; a second trigger member for shooting motion images, wherein the mode setting member allows at least a first shooting mode and a second shooting mode to be set, and the second shooting mode, upon detecting an operation signal from the second trigger member, starts shooting motion images while causing a the first light emitter to keep emitting light continuously, in order to allow the user to select the and change the shooting mode of the camera, thus making the camera easier to operate and producing higher quality images in low light settings.

**5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oochi et al., US 2005/0179779, in view of Kozai, JP 2001-076891, as applied to claim 1 above, and further in view of Kurokawa, US 6,426,775.**

In regard to claim 2, Oochi et al., US 2005/0179779, in view of Kozai, JP 2001-076891, discloses the imaging device according to claim 1, wherein the mode setting member allows a third shooting mode to be selected (see Oochi: see figure 3: ordinary operating mode). The Yasuda and Kawase references do not disclose wherein the third shooting mode does not cause the first light emitter to emit light continuously even if the first operation signal from the first trigger member is detected, and shoots a still image by causing the second light emitter to emit light continuously when the second operation signal from the first trigger member is detected.

Kurokawa, US 6,426,775, discloses an image pickup apparatus with a shooting mode that does not cause the first light emitter (auxiliary light 16) to emit light continuously even if the first operation signal (first switch) from the first trigger member is detected unless it is dark, and shoots a still image by causing the second light emitter (flash emission part 16) to emit light continuously when the second operation signal (second switch) from the first trigger member is detected (see figure 2 and column 4, lines 1-61).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Oochi et al., US 2005/0179779, in view of Kozai, JP 2001-076891, and further in view of Kurokawa, US 6,426,775, to have a third shooting mode that does not cause the first light emitter to emit light continuously even if

the first operation signal from the first trigger member is detected, and shoots a still image by causing the second light emitter to emit light continuously when the second operation signal from the first trigger member is detected, in order to save battery power.

**6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oochi et al., US 2005/0179779.**

In regard to claim 9, Oochi et al., US 2005/0179779, discloses an imaging device according to claim 3. The Yasuda reference does not disclose wherein the first light emitter has a light-emitting element, condensing lens and diffuser which diffuses light from a light source placed between the light-emitting element and condensing lens.

The Official Notice taken in the previous office action stating that is well known in the art to have a light emitter with a light-emitting element, condensing lens and diffuser placed between the light-emitting element and the condensing lens, in order to emit a dim, diffused light to light the target object evenly is taken as prior art. Since the applicant has not timely traversed the old and well known statement, the above is now considered admitted prior art. See MPEP 2144.03 (c).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify, Oochi et al., US 2005/0179779, to have the first light emitter have a light-emitting element, condensing lens and diffuser which diffuses light from a light source placed between the light-emitting element and condensing lens, in order to emit a dim, diffused light to light the target object evenly.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs



VIVEK SRIVASTAVA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600